

DEC 09 2005

**Medtronic**

Facsimile Cover Sheet

P20093.00

To: Examiner Greene
Company: U.S. Patent and Trademark Office
Phone:
Fax: 571 273 8300

From: Caroline F. Barry
Company:  **Medtronic**
Phone: 763 514 4673
Fax: 763 505 2530

Date: December 9, 2005

**Pages including this
cover page:**

Comments: **RE: P20093.00**
Serial No. 10/759,997
Applicants: Marshall et al.
Filed: January 16, 2004
Title: NOVEL IMPLANTABLE LEAD INCLUDING SENSOR
"Special Processing Submission"

Attached please find the following documents:

- X** Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)
- X** Copy of Notice of Abandonment
- X** Transmittal

IF TELECOPY IS ILLEGIBLE OR ALL PAGES HAVE NOT BEEN RECEIVED, PLEASE CONTACT MOLLY CHLEBECK AT TELEPHONE (763) 514-3118 IMMEDIATELY.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ON THIS TRANSMITTAL FORM. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS LISTED ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

DEC. 9. 2005 11:12AM

7635146982 MEDTRONIC

RECEIVED
CENTRAL FAX CENTER

NO. 8792 P. 2

DEC 09 2005

DOCKET NO.: P20093.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PETITION FOR REVIVAL TRANSMITTAL

In re Application of: Marshall et al.
For: NOVEL IMPLANTABLE LEAD INCLUDING SENSOR
Serial No.: 10/759,997
Filed: January 16, 2004

CERTIFICATE OF MAILING UNDER 37 CFR 1.8: I hereby certify that this **PETITION FOR REVIVAL** and the paper(s), as described herein, are being sent via facsimile No. (571) 273-8300, Mail Stop Petitions, Special Processing Submission, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 9th day of December, 2005.


Signature

Caroline F. Barry
Printed Name

Attn: Office of Petitions
Mail Stop Petition
"Special Processing Submission"
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

- ☒ Petition for Revival of An Application for Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b)
☒ Copy of Notice of Abandonment

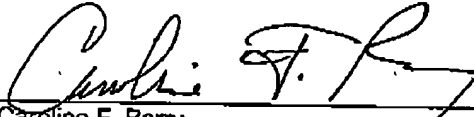
☒ Please charge the Petition for Revival fee of \$1,500.00 to Deposit Account No. 13-2546.

☐ Applicant hereby petitions for a _____ months' extension of time. If an additional extension of time is required, please consider this petition therefor.

☒ Please charge any additional fees or credits to Deposit Account No. 13-2546 which may have been overlooked on this Missing Parts Transmittal with regard to this filing. A duplicate of this transmittal is enclosed.

Date

12/9/05


Caroline F. Barry
Reg. No. 41,600
Telephone: (763) 514-4673
Customer No. 27581

DEC 09 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Mark T. Marshall et al. Examiner: D. Greene
Serial No.: 10/759,997 Group Art Unit: 3762
Filed: January 16, 2004 Docket No.: P20093.00
Title: NOVEL IMPLANTABLE LEAD INCLUDING SENSOR

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Attention: Office of Petitions
Mail Stop Petition
"Special Processing Submission"
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

Dear Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office.

Applicant hereby petitions for revival of this application. Enclosed please find the following:

- 1) Authorization to charge petition fee of \$1500.00, as well as any deficiencies, and credit any overpayments, to Deposit Account No. 13-2546; and
- 2) Copy of Notice of Abandonment.

Since this application was filed after June 8, 1995, no terminal disclaimer is required.

12/12/2005 MBINAS 00000033 132546 10759997
01 FC:1453 1500.00 DA

STATEMENT

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(B) was unintentional.

Respectfully submitted,

Dated: 12/9/08

By: Carline F. Barry

Caroline F. Barry

Registration No. 41,600

Telephone: (763) 514-4673

Customer No. 27581

DEC. 9. 2005 11:13AM

7635146982 MEDTRONIC

RECEIVED
CENTRAL FAX CENTERNO. 8792 P. 5
..JV 10 2005UNITED STATES PATENT AND TRADEMARK OFFICE
DEC 09 2005UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,997	01/16/2004	Mark T. Marshall	P-20093.00	8682
27581	7590	11/15/2005		
MEDTRONIC, INC. 710 MEDTRONIC PARKWAY NE MS-LC340 MINNEAPOLIS, MN 55432-5604				
			EXAMINER GREENE, DANA D	
			ART UNIT 3762	PAPER NUMBER

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKET
Date Action Any
mc 11-15-05 Notice of Abandonment CFB
OK

Notice of Abandonment

Application No.

10/759,997

Examiner

Dana D. Greene

Applicant(s)

MARSHALL ET AL.

Art Unit

3762

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 03 May 2005.
 - (a) ☒ A reply was received on 11/4/05 (with a Certificate of Mailing or Transmission dated 04 November 2005), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

JEFFREY R. GASTRZAB
PRIMARY EXAMINER
11/14/05

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 11142005

DEC. 9. 2005 11:13AM

7635146982 MEDTRONIC

NO. 8792 P. 7

P. 1

* * * COMMUNICATION RESULT REPORT (DEC. 9. 2005 10:41AM) * * *

FAX HEADER 1: 7635146982 MEDTRONIC
FAX HEADER 2: 7635146982 MEDTRONIC

TRANSMITTED/STORED : DEC. 9. 2005 10:40AM
FILE MODE OPTION

ADDRESS

RESULT

PAGE

8790 MEMORY TX

USPTO

OK

6/6

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWER

E-2) BUSY
E-4) NO FACSIMILE CONNECTION



Medtronic

Facsimile Cover Sheet

P20093.00

To: Examiner Greene

Company: U.S. Patent and Trademark Office

Phone:

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